LIBRARY
SUPREME COURT, U. S.

Office-Supreme Court, U.S.
FILED
DEC 26 1961
JOHN F. DAVIS, CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1961

NO. — 571

HOWARD L. NOSTRAND and MAX SAVELLE,
Appellants,

vs.

HERBERT S. LITTLE, HAROLD S. SHEFELMAN, DOROTHY BULLITT, ALBERT B. MURPHY, ROBERT J. WILLIS, JOHN L. KING and JOSEPH DRUMHELLER, as the Board of Regents of the University of Washington; CHARLES E. ODEGAARD, President, University of Washington, and JOHN J. O'CONNELL, Attorney General, State of Washington, *Appellees.*

ON APPEAL FROM THE SUPREME COURT OF THE STATE OF WASHINGTON

MOTION TO DISMISS OR IN THE ALTERNATIVE TO AFFIRM

JOHN J. O'CONNELL,
Attorney General.
HERBERT H. FULLER,
Deputy Attorney General.
TIMOTHY R. MALONE,
Assistant Attorney General.
Office and Post Office Address: Temple of Justice, Olympia, Wash.

STATE PRINTING PLANT, OLYMPIA, WASH.

In the Supreme Court of the United States

OCTOBER TERM, 1961

NO. —

HOWARD L. NOSTRAND and MAX SAVELLE,
Appellants,

vs.

HERBERT S. LITTLE, HAROLD S. SHEFELMAN, DOROTHY BULLITT, ALBERT B. MURPHY, ROBERT J. WILLIS, JOHN L. KING and JOSEPH DRUMHELLER, as the Board of Regents of the University of Washington; CHARLES E. ODEGAARD, President, University of Washington, and JOHN J. O'CONNELL, Attorney General, State of Washington, *Appellees*.

ON APPEAL FROM THE SUPREME COURT OF THE STATE OF WASHINGTON

MOTION TO DISMISS OR IN THE ALTERNATIVE TO AFFIRM

JOHN J. O'CONNELL,
Attorney General.

HERBERT H. FULLER,
Deputy Attorney General.

TIMOTHY R. MALONE,
Assistant Attorney General.

Office and Post Office Address: Temple of Justice, Olympia, Wash.

INDEX

Page

NO SUBSTANTIAL FEDERAL QUESTION IS PRESENTED 6

A. Discussion of First, Second and Third Questions 6

B. Discussion of Fourth Question 11

C. Discussion of Fifth and Sixth Questions 14

D. Discussion of Seventh Question 19

CONCLUSION 20

TABLE OF AUTHORITIES CITED

CASES

Adler v. Board of Education of the City of New York, 342 U. S. 485 .....18, 20

Allied Stores of Ohio, Inc. v. Bowers, 358 U. S. 522 7

American Communications Association v. Douds, 339 U. S. 382 .....18, 19, 20

Beilen v. Board of Education, 357 U. S. 399 ..19, 20

Board of Governors of Federal Reserve System v. Agnew, 329 U. S. 441 18

Brown v. Board of Education, 347 U. S. 483 ... 13

Cramp v. Board of Public Instruction, No. 72 October Term (Dec. 11, 1961) 9, 18

Doremus v. Board of Education, 342 U. S. 429.. 9

First Unitarian Church of Los Angeles v. County of Los Angeles, 357 U. S. 545 19

Fox v. Washington, 236 U. S. 273 8

Garner v. Board of Public Works of Los Angeles, 341 U. S. 716 .....18, 19, 20

Gerende v. Board of Supervisor of Elections, 341 U. S. 56 .....18, 19

CASES—Continued

	Page
Gnecchi v. State of Washington, 158 Wash. Dec. 475	8
Grand Trunk Western Ry. Co. v. Lindsay, 233 U. S. 42	14
Harding v. Illinois, 196 U. S. 78	10
Jay Burns Baking Co. v. Bryan, 264 U. S. 504	13
Jones v. Buffalo Creek Coal & Coke Co., 245 U. S. 328	12, 13
Konigsberg v. State Bar of California, 353 U. S. 252	10, 11, 17
Lerner v. Casey, 357 U. S. 468	19, 20
Lily v. Grand Trunk W. R.R., 317 U. S. 481	14
Mills v. Denver Tramway Corp., 155 F. 2d 808 (10th Cir., 1946)	14
Nelson v. County of Los Angeles, 362 U. S. 1	19, 20
Nostrand v. Little, 158 Wash. Dec. 101, 361 P. (2d) 551	6, 7, 8, 9, 10, 17
Parker v. Brown, 317 U. S. 341	13
Schware v. Board of Bar Examiners, 353 U. S. 232	10, 11
Shelton v. Tucker, 364 U. S. 479	17, 19
Slochower v. Board of Education, 350 U. S. 551	10
Speiser v. Randall, 357 U. S. 513	19
State v. Bolen, 142 Wash. 653, 254 Pac. 445 (1927)	13
State v. Hazzard, 76 Wash. 586, 137 Pac. 143 (1913)	10
Sweezy v. New Hampshire, 354 U. S. 234	10, 11, 17
Tileston v. Ullman, 318 U. S. 44	9
United Public Workers v. Mitchell, 330 U. S. 75	18

CASES—Continued

Page

Washington Beauty College v. Huse, 195 Wash. 160, 80 Pac. (2d) 403 (1938) 8

West Virginia State Board of Education v. Barnette, 319 U. S. 624 19

Whitney v. Spratt, 25 Wash. 62, 64 Pac. 919 (1901) 13

Wieman v. Updegraff, 344 U. S. 183 .....15, 17

WASHINGTON STATUTES

Laws of 1951, Chapter 254, Sections 1 and 11 .. 15

Laws of 1953, Chapter 142, Section 1 15

Laws of 1955, Chapter 377, Section 4 16

Revised Code of Washington, Chapter 34.04 ... 8

Revised Code of Washington, Chapter 9.81.... 16

MISCELLANEOUS

Supreme Court Rule 16 (1) 5, 14

In the Supreme Court of the United States

OCTOBER TERM, 1961

NO. —

HOWARD L. NOSTRAND and MAX SAVELLE,
Appellants,

vs.

HERBERT S. LITTLE, HAROLD S. SHEFELMAN, DOROTHY BULLITT, ALBERT B. MURPHY, ROBERT J. WILLIS, JOHN L. KING and JOSEPH DRUMHELLER, as the Board of Regents of the University of Washington; CHARLES E. ODEGAARD, President, University of Washington, and JOHN J. O'CONNELL, Attorney General, State of Washington, *Appellees.*

ON APPEAL FROM THE SUPREME COURT OF THE STATE OF WASHINGTON

MOTION TO DISMISS OR IN THE ALTERNATIVE TO AFFIRM

Pursuant to the provisions of Supreme Court Rule 16 (1), appellees respectfully move the above entitled court to dismiss this appeal, or in the alternative to affirm on the grounds that the appeal presents no substantial federal question.

The appellants will be referred to in this brief as "the professors" and the appellees as "the regents."

NO SUBSTANTIAL FEDERAL QUESTION IS PRESENTED

A. Discussion of First, Second and Third Questions

The professors' first three questions read as follows:

> "1. Does the State's requirement of an oath pursuant to Chapter 377, Laws of Washington of 1955, of non-membership in the Communist Party or other subversive organization as a condition for any employment by the state, violate the due process guarantee of the Fourteenth Amendment to the United States Constitution, because no hearing is afforded the employee wherein an inquiry may be made as to the character of the subversive organization or the character of his membership therein, and where the employee can explain or defend his refusal to take the oath?
>
> "2. Does such oath requirement violate the Fourteenth Amendment of the Constitution of the United States in that it requires discharge of a state employee solely upon refusal to subscribe the oath and without notice, charges and hearing?
>
> "3. Does such oath requirement violate the Fourteenth Amendment to the Constitution of the United States in that it deprives respondent of property without due process of law?"

The first point to be noted is that the professors *do* have a right to a hearing under state law. The Washington Supreme Court said in *Nostrand v. Little*, 158 Wash. Dec. 101, 361 P. (2d) 551, on p. 120:

> "Since the professors in the present case (as the trial court found) are employed by

> the regents under contract as full professors and have certain tenure rights, we must construe the subversive activities act in the light of the tenure rights which they possess under the rules and regulations adopted by the regents. The pertinent portions of these rules and regulations are set forth in the appendix to this opinion.
>
> "Briefly stated, the tenure rights of a professor include the right to be given written notice of the alleged grounds for his discharge from his position, a 'trial' before a standing committee composed of eleven members of the faculty known as the tenure committee, the right to be represented by any person of his choice, the right to be present during the taking of testimony, to call witnesses, and to cross-examine opposing witnesses. The procedure prescribed in the rules and regulations for the conducting of the hearing is substantially the same as an accused person ordinarily would receive in a court of law, except a jury trial. * * *"

This interpretation, of course, becomes a part of the statute itself for the purpose of determining its validity in this Court. *Allied Stores of Ohio, Inc., v. Bowers*, 358 U. S. 522.

This being true, one must conclude that these three questions do not arise from the Washington Supreme Court's holding in regard to the parties to this action but rather from *dicta* in regard to employees who do not have tenure. But as the Washington Supreme Court in *Nostrand v. Little* on p. 110 stated:

> "* * * We, of course, limit our consideration of the problem to the facts before us. Even in a declaratory judgment action, there

must be a justiciable controversy. *Washington Beauty College v. Huse*, 195 Wash. 160, 80 P. (2d) 403 (1938)."

It would be futile to speculate on how the Washington Supreme Court would hold in a case involving an employee without tenure rights. However, *Gnecchi v. State of Washington*, 158 Wash. Dec. 475, a case decided *en banc* a few months after *Nostrand v. Little*, would indicate that under the State Administrative Procedures Act (Chap. 34.04 RCW), such an employee would be provided a hearing if the lack of a hearing would deprive him of a constitutional right. Moreover, this Court will assume that a statute will be interpreted by the highest state court in such a way as to avoid raising constitutional problems where any other interpretation is possible. *Fox v. Washington*, 236 U. S. 273.

Secondly, these three questions would still be purely hypothetical even if the professors did not have the tenure rights mentioned above, and the consequent right to a hearing. As the State Supreme Court said in its opinion in *Nostrand v. Little*,

> "* * * there is neither allegation nor finding that the professors have ever refused to take the oath or that they intend to do so in the future. In the absence of such a showing it would seem premature, even in a declaratory judgment action, for a court to rule on a hypothetical situation. * * *" 158 Wash. Dec. 101, at 108-109.

The fact that the State Supreme Court proceeded to decide the questions presented, even though

it considered them premature, does not prevent this Court from refusing to consider them on the grounds that the professors have no standing to raise them.

As stated in *Cramp v. Board of Public Instruction*, No. 72, October Term, 1961, decided by this Court December 11, 1961,

> "Whether the appellee has standing to attack the state statute in this Court is, however, a separate issue, to which we must bring our independent judgment. *Tileston v. Ullman*, 318 U. S. 44; *Doremus v. Board of Education*, 342 U. S. 429."

Tileston is especially apposite since this Court there refused to consider a constitutional question which had been passed upon by a state court.

A comparison of *Cramp* with the instant case is helpful on this question of standing. In *Cramp*, this Court held that the appellant had standing because, in view of the vagueness of the oath he was required to take, he could not take it without risk of perjuring himself. In the instant case, the professors have not shown and in fact cannot show that they can take the oath required of them by the State of Washington only by running the risk of perjuring themselves.

Thirdly, these three questions were not properly raised by the professors. After pointing out that the professors did not raise the hearing issue until they petitioned for a rehearing, the Washington Supreme Court stated on p. 110 of *Nostrand v. Little*:

> "This court has for many years adhered

to its rule that it will not consider questions presented to it for the first time in a petition for rehearing. *State v. Hazzard*, 76 Wash. 586, 137 Pac. 143 (1913), and cases cited therein.

"Were it not for the fact that this case has been remanded to this court by the Supreme Court with the request that we interpret the act with respect to the hearing issue, we would dismiss the professors' claim as not being timely raised. That would, of course, terminate our consideration of the case."

Not having raised the issue in a timely manner, the professors cannot raise the issue for the first time in this court. *Harding v. Illinois*, 196 U. S. 78. Nor should they be afforded a special privilege not afforded other litigants by reason of the Washington Supreme Court's act of comity.

Finally on p. 12 of the professors' statement as to jurisdiction appears a statement which should not be left unchallenged:

"It is significant that both opinions of the Washington Supreme Court in the case at bar, failed to discuss, distinguish, or even to refer to holdings of the United States Supreme Court in the following cases, although these cases were cited to the court and discussed extensively by the appellants in their briefs. *Slochower v. Board of Education, supra*; *Konigsberg v. State Bar of California*, 353 U. S. 252, 77 S. Ct. 722, 1 L. Ed. (2d) 810 (1957); *Schware v. Board of Bar Examiners*, 353 U. S. 232, 77 S. Ct. 752, 1 L. Ed. (2d) 796 (1957); and *Sweezy v. New Hampshire*, 354 U. S. 234, 77 S. Ct. 1203, 1 L. Ed. (2d) 1311 (1957)."

This is erroneous. The *Slochower* case is cited and distinguished on p. 116 of *Nostrand v. Little.*

Konigsberg and *Schware* are not cited because they are not applicable; for the professors are not unaware of the results which would follow their refusal to sign the oath as in the former case, nor are they being asked about past membership in the Communist Party, in the latter case. In addition we have before us a person's right to public employment, not his right to pursue a given calling in private life.

The *Sweezy* case is easily distinguished. *Sweezy* concerned the question of whether a state attorney general, acting as an investigating committee, violated the constitutional rights of the person being interrogated when the Attorney General's interrogation was "* * * in fact wholly unrelated to the object of the legislature in authorizing the enquiry. * * *" (354 U. S. at 254) Four members of this Court held that the authorizing statute did not give the attorney general the power to make the sweeping inquiries that he did. Two other members concurred in the result, on the grounds that the state had failed to show how the broad delving into past activities and associations was justified in the protection of state interests.

B. Discussion of Fourth Question

Under this Court's mandate, the State Supreme Court was compelled to consider the question whether the Subversive Activities Act requires a hearing before a dismissal can be effected under its provisions. In holding that a hearing is required, the State Su-

preme Court *sua sponte* considered, and held dispositive of the question, the Board of Regent's Faculty Handbook setting out the requirements for a hearing, the nature of the hearing, and grounds for dismissal. By so holding, the State Supreme Court has effectively made the Faculty Handbook a part of the Subversive Activities Act, as it applies to university faculty members.

The professors argue that by its use of the Faculty Handbook, the State Supreme Court has somehow denied them due process of law. At least three points should be noted concerning this argument.

First, it seems somewhat paradoxical that consideration by the State Supreme Court of a document which is held by that Court to give the professors the hearing which they contend they are constitutionally entitled to deprives the professors of property without due process of law.

Secondly, assuming *arguendo* that it was error for the State Supreme Court to consider the handbook, such error cannot be raised to the level of a constitutional argument. It is significant that the professors have cited no federal or state cases so holding. On the other hand, this Court has held that the "error of a trial judge in admitting evidence or entering judgment after full hearing does not constitute a denial of due process of law." *Jones v. Buffalo Creek Coal & Coke Co.*, 245 U. S. 328. That case was an action for ejectment brought in the U. S. District

Court. The allegation of error was the admission in evidence of records and papers in three proceedings brought in the state courts of West Virginia. The Court assumed, for the purposes of its decision, that the trial judge erred in admitting the evidence objected to by the professors. The regents submit that the rationale of the *Jones* case is applicable here. (The Court's broad statement concerning the admission of evidence must of course be read in the context of not including criminal cases in which settled constitutional guarantees prohibit the admission of illegally obtained evidence through, for example, coerced confessions or illegal searches.)

Thirdly, consideration of the Faculty Handbook was perfectly proper. Not only has the Washington Supreme Court taken judicial notice of administrative regulations, *State v. Bolen*, 142 Wash. 653, 254 Pac. 445 (war department regulations requiring preservation of fingerprints); *Whitney v. Spratt*, 25 Wash. 62, 65, 64 Pac. 919 (U. S. Land Dept. regulations), but this Court has itself made broad and extensive use of "extra-judicial" information. See, e.g., *Brown v. Board of Education*, 347 U. S. 483 (sociological and economic data); *Parker v. Brown*, 317 U. S. 341 (books and bulletins on economics of grape industry); *Jay Burns Baking Co. v. Bryan*, 264 U. S. 504 (extrinsic evidence that buyers of bread were deceived by bread package size). These cases fully illustrate that there is constitutional barrier in the present case separating our state court

from the source of materials entering its decision making process. The use by an appellate court of judicial notice and the extent thereof is a matter largely within the discretion of the court. *Mills v. Denver Tramway Corp.*, 155 F. 2d 808, 812 (10th Cir., 1946).

In the rare case in which this discretion has been held to be abused, this Court has held it reversible error for an appellate court *not* to take judicial notice where appropriate. In *Lily v. Grand Trunk W. R.R.*, 317 U. S. 481, 488-489, the Illinois Supreme Court had failed to take judicial notice of regulations of the ICC. This Court reversed, saying:

> "Adopted in the exercise of the Commissions' authority, Rule 153 acquires the force of law and becomes an integral part of the Act * * * to be judicially noticed. * * * The failure of petitioner's counsel to call Rule 153 to the attention of the trial court should no more deprive petitioners of its benefits than the failure to plead specifically the Federal Employers' Liability Act foreclosed the application of that Act * * * in Grand Trunk Western Ry. Co. v. Lindsay. * * *"

This phase of the professors' argument in support of this Court's jurisdiction is clearly insubstantial within the meaning of this Court's Rule 16.

C. Discussion of Fifth and Sixth Questions

The fifth and sixth questions set forth in the professors' Statement as to Jurisdiction on p. 15 read as follows:

> "5. Does such oath requirement violate the Fourteenth Amendment to the Constitution of

the United States in that it penalizes a state employee for membership in a subversive organization rather than for acts constituting a substantive evil, even in the absence of his knowledge that the subversive organization has for its purpose the forceful overthrow of the government?

"6. Does such oath requirement violate the Fourteenth Amendment to the Constitution of the United States in that it conclusively presumes that membership in a subversive organization is grounds for dismissal of a state employee?"

As for the fifth question, the following background must be considered. Sec. 11, Chapter 254, Laws of 1951 provides:

"No subversive person, as defined in this act, shall be eligible for employment in, or appointment to any office, or any position of trust or profit in the government, or in the administration of the business, of this state, or of any county, municipality, or other political subdivision of this state."

After this court decided *Wieman v. Updegraff*, 344 U. S. 183, the legislature, through Section 1, Chapter 142, Laws of 1953, added the italicized language to subsection (e), Section 1, Chapter 254, Laws of 1951:

"(e) 'Subversive person' means any person who commits, attempts to commit, or aids in the commission, or advocates, abets, advises or teaches by any means any person to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of

> Washington, or any political subdivision of either of them, by revolution, force, or violence; *or who with knowledge that the organization is an organization as described in paragraphs two and three hereof, becomes or remains a member of a subversive organization or a foreign subversive organization.*" (Emphasis supplied.)

The 1951 act was again amended by Section 4, Chapter 377, Laws of 1955, which provides that:

> "The communist party is a subversive organization within the purview of RCW 9.81 and membership in the communist party is a subversive activity thereunder."

The professors contend that "scienter," which was put into the basic 1951 act by the 1953 amendment was somehow taken out again by the 1955 amendment noted above. See Appellants' Jurisdictional Statement, p. 17. But the 1955 amendment and the oath expressly tell the employee that the Communist Party is a subversive organization, i.e., an organization advocating the forceful overthrow of the government. The professors might argue that the Communist Party is not such an organization; but they certainly cannot argue that one is penalized because of a lack of knowledge as to the purposes of the Communist Party, when the statute and the oath expressly declare such party to be a subversive organization and to have, therefore, for its purpose the forceful overthrow of the government.

In considering both the fifth and sixth questions, it must be remembered that, in view of the construction given by the Washington Supreme Court, the

Faculty Handbook must be read alongside the 1951 Act, as amended. In view of the procedural safeguards provided and in view of the fact that dismissal can be for certain reasons only, such as incompetency, it is apparent that the questions are without substance. The fact that uncertainties exist in regard to how the hearing procedure meshes with the 1951 Act, as amended, emphasizes the need for restricting consideration to matters connected with a justiciable controversy in view of the declaratory nature of the case.

The professors cite only four cases as authority for the proposition that these two questions are substantial: *Konigsberg v. State Bar of California*, 353 U. S. 252, *Sweezy v. New Hampshire*, 354 U. S. 234, *Shelton v. Tucker*, 364 U. S. 479 and *Wieman v. Updegraff*, 344 U. S. 183.

The distinctions made with regard to *Konigsberg* and *Sweezy* in discussing the first three questions apply here as well. *Wieman* is clearly distinguishable since there the court was discussing past innocent membership. Here both present membership and *scienter* are necessary.

The Washington Supreme Court distinguished the *Shelton* case on p. 119 of *Nostrand v. Little*:

> "We note parenthetically that the Arkansas statute does not provide for a hearing at which the teacher or the professor may explain or defend his refusal to file the required affidavit, nor is there any reference in any of the opinions as to any constitutional necessity therefor.

> "The Washington statute involved here is tailored to the legislative determination as to what is necessary in the premises to protect the state and its educational institutions from activities of subversive persons who are being financially maintained by the state and its municipalities. Unlike the Arkansas statute, our act is not too broad in its scope."

The Arkansas statute referred to required inquiry into every organization with which a teacher had been associated over a five year period.

Cramp v. Board of Public Instruction, No. 72, October Term, 1961, decided by this Court December 11, 1961, is distinguishable for essentially the same reasons. An oath requiring a statement as to present membership in the Communist Party is a far cry from an oath which reads in part, "* * * I have not and will not lend my aid, support, advice, counsel or influence to the Communist Party."

Since the professors are entitled to a hearing should they refuse to sign, the regents need not rely upon cases upholding the imposition of a civil disability with no right to a hearing, such as *Board of Governors of Federal Reserve System v. Agnew*, 329 U. S. 441, *Gerende v. Board of Supervisor of Elections*, 341 U. S. 56, *United Public Workers v. Mitchell*, 330 U. S. 75, and *American Communications Association v. Douds*, 339 U. S. 382. Because of the right to a hearing the following cases are also authority for the regents' position: *Adler v. Board of Education*, 342 U. S. 485, *Garner v. Board of Public Works of Los Angeles*, 341 U. S. 716, *Beilan*

v. Board of Education, 357 U. S. 399, *Lerner v. Casey*, 357 U. S. 468, and *Nelson v. County of Los Angeles*, 362 U. S. 1.

D. Discussion of the Seventh Question

The evils which motivated the legislature in passing the act are of such a substantial nature as to justify the oath requirement. The legislature apparently felt that to employ Communist Party members or members of other subversive organizations would create a danger because the future conduct of such persons would probably be contrary to the interests of the state. The lengthy appendices to the Washington Supreme Court's first opinion on this case show that the legislature's belief was well founded. The interest of the state in not employing Communist Party members surely cannot be compared to the state's insubstantial interest in *West Virginia State Board of Education v. Barnette*, 319 U. S. 624. Nor did the legislature paint with too broad a brush as in *Speiser v. Randall*, 357 U. S. 513 and *First Unitarian Church of Los Angeles v. County of Los Angeles*, 357 U. S. 545; in fact, in *Speiser*, this court expressly distinguished cases involving oath requirements which apply to a particular group such as in *Garner*, *Gerende*, and *Douds*, *supra*. The distinctions made earlier in discussing *Shelton v. Tucker*, 364 U. S. 479, in connection with the due process requirement would apply here as well.

It is a fact that the professors have not cited one case where this court has found an oath requirement

regarding present membership in the Communist Party which is applicable to a particular group a violation of the First and Fourteenth Amendments as an abridgment of freedom of speech, association or assembly. On the other hand *Garner*, *Adler*, *Lerner*, *Douds*, *Beilan*, and *Nelson*, *supra*, may be cited as authority for the proposition that the oath requirement in the present case is not an unconstitutional abridgment of the liberties guaranteed by the First and Fourteenth Amendments. In each of these cases the failure of the individual to answer a question regarding his associations was the decisive factor. Thus the statement appearing on p. 19 of the Statement as to Jurisdiction that, "While his associations may have bearing on his loyalty, standing alone without more they are not decisive", is without case support.

CONCLUSION

It is submitted that for the reasons given above the appeal should be dismissed, or in the alternative the judgment of the court below should be affirmed.

Respectfully submitted,

JOHN J. O'CONNELL,
Attorney General.

HERBERT H. FULLER,
Deputy Attorney General.

TIMOTHY R. MALONE,
Assistant Attorney General.